IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPEAL NO.18 OF 2005

M/s.Raju Suryanarayan. ...Appellant(orig. Claimant)

vs.

Mr.Ashwin Co-op.Hsg.Society Ltd. ...Respondent

Ms.Nipa Singh, for Appellant.

Mr.P.S.Dani, for Respondent

CORAM: D.K.DESHMUKH,J.

DATED: 23rd November,2005

P.C.:-

1. The learned Arbitrator by the impugned order has held that the agreement between the parties which contains the arbitration clause is invalid because the Respondent is a Co-operative Society and the bye law no.157 of the Respondent- Co-operative Society provides that an agreement to be entered into with the Contractor has to be approved by the General Body. Admittedly the contract entered into

with the Respondent was not approved by the general body of the Respondent and therefore, the contract was not binding. The learned Counsel appearing for the Appellant has not been able to point out to me anything which can even remotely suggest that the finding recorded by the learned Arbitrator is wrong. The appeal has no substance. Hence, it is rejected.